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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,149	10/30/2003	Evan A. Gordon	2628	2861
7590		07/13/2007		
A. Burgess Lowe 101 East Maple Street North Canton, OH 44720				
			EXAMINER REDDING, DAVID A	
			ART UNIT 1744	PAPER NUMBER
			MAIL DATE 07/13/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/698,149

Applicant(s)

GORDON ET AL.

Examiner

David A. Redding

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-22 is/are pending in the application.
- 4a) Of the above claim(s) 15-22 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-12 and 14 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

The indicated allowability of claims 5 and 6 is withdrawn in view of the newly discovered reference(s) to USP 5,455,982 to Armstrong et al. Rejections based on the newly cited reference(s) follow.

***Claim Objections***

Claim 13 is objected to because of the following informalities: claim 13 is a duplicate of claim 10. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,347,678 to Williams in view of USP 5,455,982 to Armstrong et al. (Armstrong).

The Williams patent discloses a base assembly (10), a liquid distribution system (shown in figure 2) having removable water tanks 32, a suction nozzle assembly having a front nozzle (26), a rear nozzle (22), a suction source (col. 4, lines 42-46), a valve assembly (28) which is associated with the respective front and rear nozzle outlets. The valve assembly opens the rear nozzle when the cleaning unit is moved forward and selectively opens the forward nozzle when the cleaning unit is moved rearwardly (col. 3, lines 3-31; claim 21). The water tanks are considered to be equivalent to the claimed cleaning solution tank. The patent to Williams is silent as to the handle being pivotally mounted. The patent to Armstrong discloses a floor cleaning machine in which the handle is pivotally mounted to the base.

Accordingly, it would have been obvious to one skilled in the art to provide a pivotally mounted handle assembly as shown in Armstrong to the Williams machine in order to provide a greater range of position of the handle with respect to the machine and to reduce the foot print of the machine allowing for storing in a smaller space.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,347,678 (Williams) and USP 5,455,982 (Armstrong) as applied to claim 1 above, and further in view of USP 5,012,549 ('549).

The Williams patent does not disclose the position of the recovery tank. The '549 patent shows the recovery tanks 10, 12, and clean solution tank 42. Accordingly, it would have been obvious to one skilled in the art to make the recovery tank in Williams removable in view of the known practice as disclosed in the '549 patent.

***Allowable Subject Matter***

Claims 7-12 and 14 are allowed.

The prior art of record fails to teach or suggest the combination of elements claimed.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Redding whose telephone number is 571-272-1276. The examiner can normally be reached on Mon.-Fri. 6:00 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran-Piazza can be reached on 571-272-1224. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ David Redding /  
Primary Examiner  
Art Unit 1744

DAR